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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,568

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Dirk Gandolph

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EXAMINER

POPHAM, JEFFREY D

ART UNIT

PAPER NUMBER

2137

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,568	Applicant(s) GANDOLPH ET AL.	
	Examiner JEFFREY D. POPHAM	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060411</u> . | 6) <input type="checkbox"/> Other: _____ |

Remarks

Claims 1-8, 10, and 11 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3, 5, 6, 8, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly (U.S. Patent Application Publication 2003/0072453).

Regarding Claim 1,

Kelly discloses a method for decrypting data within a device, the data comprising an encrypted first data set and an encrypted second data set, wherein the first data set and a respective device independent electronic decryption key are stored on a removable prerecorded storage medium (Abstract; and Paragraphs 31-34), and the second data set is not stored on the removable prerecorded storage medium but is related to the first data set (Abstract; and Paragraph 30), the method comprising the steps of:

Retrieving the first data set and the device independent decryption key from the removable storage medium (Abstract; and Paragraphs 34-35);

Retrieving the second data set from a second data source (Abstract; and Paragraphs 50 and 57);

Decrypting the first data set using the decryption key (Abstract; and Paragraphs 36 and 44); and

Decrypting the second data set using the decryption key (Abstract; and Paragraphs 50-52 and 58-59).

Regarding Claim 6,

Claim 6 is an apparatus claim that corresponds to method claim 1 and is rejected for the same reasons.

Regarding Claim 3,

Kelly discloses detecting whether the removable storage medium and the second data set are authorized by the same authority, wherein the second data set is regarded as authorized if it can be decrypted by the decryption key (Abstract; and Paragraphs 58-59).

Regarding Claim 11,

Claim 11 is an apparatus claim that corresponds to method claim 3 and is rejected for the same reasons.

Regarding Claim 5,

Kelly discloses that two or more electronic decryption keys are stored on the removable prerecorded storage medium, wherein at least one of the keys can be used for decryption of the first data set and another of the keys can be used for decryption of the second data set (Abstract; and paragraphs 58-59).

Regarding Claim 8,

Kelly discloses that the electronic decryption key is the only suitable key for decrypting the first data set, but is one of several suitable keys for decrypting the second data set (Abstract; and Paragraphs 36, 44, 51, and 58-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Getsin (U.S. Patent 6,529,949).

Regarding Claim 2,

Kelly does not explicitly disclose determining from a plurality of data sets on the second data source a second data set that refers to the

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removable storage medium, wherein the data sets refer to different removable prerecorded storage media.

Getsin, however, discloses determining from a plurality of data sets on the second data source a second data set that refers to the removable storage medium, wherein the data sets refer to different removable prerecorded storage media (Column 27, line 56 to Column 29, line 4). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the remote playback control system of Getsin into the secure content distribution system of Kelly in order to provide supplemental data for a plurality of media (e.g. DVDs) on a server, allowing clients to access only the data directed to the media for which the client currently has access to (such as being played), while ensuring authentication and authorization of the user, client, and/or DVD before allowing access to such supplemental data, and/or to allow the system to access supplemental data held on the currently playing DVD via such authentication and authorization processing.

Regarding Claim 7,

Claim 7 is an apparatus claim that corresponds to method claim 2 and is rejected for the same reasons.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Qawami (U.S. Patent Application Publication 2002/0176575).

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Kelly does not explicitly disclose that the electronic decryption key is only accessible while a removable prerecorded storage medium that contains the electronic decryption key is readable.

Qawami, however, discloses that the electronic decryption key is only accessible while a removable prerecorded storage medium that contains the electronic decryption key is readable (Paragraphs 38, 42, 44, 54-58, and 94). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the key protection techniques of Qawami into the secure content distribution system of Kelly in order to only provide access of keys while the keys are being used to decrypt specific data on the disk, and to delete the keys immediately after use, thereby only storing the keys for the amount of time it takes to decrypt the data, and/or to never store particular keys used for decryption on the device, such that security of the keys is increased by ensuring that exposure to such keys is kept to a minimum.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of Schneier (Schneier, Bruce, "Applied Cryptography", Second Edition, 1996, pp. 1-14).

Kelly does not explicitly disclose that the first and second data sets are encrypted using RSA coding.

Schneier, however, discloses that the first and second data sets are encrypted using RSA coding (Pages 6-14). It would have been obvious to one of

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ordinary skill in the art at the time of applicant's invention to incorporate the encryption algorithm of Schneier into the secure content distribution system of Kelly in order to use an encryption algorithm that is well known, easy to understand and implement, widely used, and secure in that it has not been broken.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey D Popham
Examiner
Art Unit 2137

/Jeffrey D Popham/
Examiner, Art Unit 2137

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137